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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Michael P. DeNinno et al. Examiner: Lawrence Crane
Serial No: 10/099,620 Art Unit: 1623
Filed: March 15, 2002 Docket: 17423 (PC11066A)
For: COMPOUNDS FOR THE TREATMENT OF ISCHEMIA Dated: November 23, 2004

Confirmation No.: 2274

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

PETITION UNDER 37 C.F.R. §1.313(a) TO WITHDRAW FROM ISSUE

Sir:

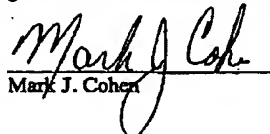
Applicants respectfully petition to withdraw the above-identified application from issue.

Applicants have paid the Issue Fee on October 21, 2004. Subsequent thereto, applicants have again reviewed one of the references cited and applied by the United States Patent and Trademark Office in an Official Action, viz., U.S. Patent No. 2,852,505 to Baker et al. ("Baker").

CERTIFICATION OF FACSIMILE TRANSMISSION

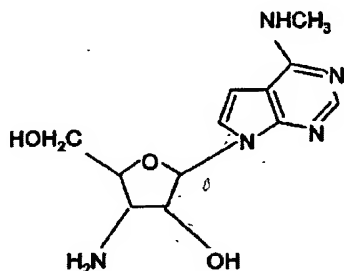
I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Dated: November 23, 2004


Mark J. Cohen

Upon closer scrutiny, and not realized the time of the filing of the Response, it was noted that Baker et al. discloses species which are just as relevant as those identified in the Official Action dated October 27, 2003 and which may make one or more claims of the present application unpatentable.

Specifically, attention is directed to Examples 27, 36, 52 and 53 therein. Examples 27 and 36 disclose 6-methylamino-9-(3-amino-3-dioxy-β-D-ribofuranosyl)purina, which has the formula:



Examples 52 and 53 disclose similar compounds, except the substituent at the 6 position of the purine ring are butylamino, and cyclohexylamino respectively.

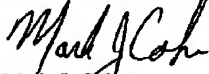
Applicants have amended the claim so that the 5-position of the sugar attached to the purine ring excludes hydroxymethyl (CH₂OH).

An amendment accompanies this Petition amending the claims to exclude hydroxymethyl from the definition at the 5-position of the sugar moiety. The Commissioner is authorized to charge the Deposit Account No. 19-1013/SSMP the requisite fee of \$130.00 for this Petition to

Withdraw, as required under 37 C.F.R. §1.313(a). A duplicate copy of this Petition is enclosed herewith.

In view of the reasons provided herein, it is respectfully requested that this Petition be granted and prosecution on the merits be reopened.

Respectfully submitted,



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